

Misbranding of the article was alleged in the information for the reason that the statements appearing on the label, to wit, "Fancy Apple Butter" and "Net Contents 12 Oz.," were false and misleading in that they represented that the said article was apple butter and that each of the said cans contained not less than 12 ounces thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was apple butter and that each of the said cans contained not less than 12 ounces thereof, whereas, in fact and in truth, the said article was not apple butter but was a product made from dried apple skins, cores, and pomace, and each of the said cans did not contain 12 ounces thereof but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside of the package, in terms of weight, measure, or numerical count.

On November 10, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10120. Misbranding of Hull's Superlative compound and Hull's Superlative liniment. U. S. \* \* \* v. The A. J. Hull Medicine Co., a Corporation. Pleas of nolo contendere. Fines, \$40 and costs. (F. & D. Nos. 8881, 9350. I. S. Nos. 9203-p, 8843-p.)**

On July 30, 1918, and January 16, 1919, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the A. J. Hull Medicine Co., Findlay, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 5 and October 23, 1917, respectively, from the State of Ohio into the State of Indiana, of quantities of Hull's Superlative compound and Hull's Superlative liniment, respectively, which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Superlative compound consisted essentially of extracts of plant drugs, including cinchona, a volatile oil, alcohol, and water; and that the Superlative liniment consisted of volatile oils, including cedar, thyme, and probably wormwood oils, camphor, and alcohol.

Misbranding of the articles was alleged in the informations for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the labels of the bottles and cartons containing the said articles and in the circulars accompanying the same, falsely and fraudulently represented that the Superlative compound was effective as a remedy and cure for liver and kidney diseases, sick and nervous headache, dyspepsia, nervous prostration, epileptic fits, paralysis, scrofula, impure blood, consumption and bronchial troubles in first stages, all nervous diseases, chills and malarial fever, all diseases arising from impure blood, dizziness, dropsy, diabetes, Bright's disease, catarrh, rheumatism, painful menstruation, irregularity, bad results from change of life, weak kidneys in children, la grippe, nervous trouble, fevers, all kinds of paralysis, and infantile paralysis, as a cure for stomach troubles, and as a treatment, remedy, and cure for nervous prostration, paralysis, epileptic fits, St. Vitus dance, diabetes, and liver, kidney, and stomach troubles; and that the Superlative liniment was effective as a treatment, remedy, and cure for congestion of the lungs, pleurisy, rheumatism, neuralgia, sore throat, inflammation of the bowels and kidneys, gas on the stomach, pimples and blackheads, pains in the head, burns, bunions, eczema, and swollen glands, when, in truth and in fact, the said articles contained no ingredients or medicinal agents capable of producing the effects claimed. Misbranding was alleged for the further reason that the statements, to wit, "Contains 15% Absolute Alcohol by Volume" and "Contains 15% Grain Alcohol by Volume," borne on the carton and bottle label, respectively, with respect to the Superlative compound, and the statement, to wit, "Contains 70 per cent alcohol by volume," borne on the carton, with respect to the Superlative liniment, were false and misleading in that they represented that the said articles contained 15 per cent or 70 per cent of alcohol, as the case might be, whereas, in fact and in truth, the said articles did not contain 15 per cent or 70 per cent of alcohol, as the case might be, but did contain greater amounts, to wit, 26 per cent and 82.88 per cent of alcohol, respectively. Misbranding was alleged for the further reason that the articles contained alcohol and the labels failed to bear statements of the quantity or proportion of alcohol contained therein.

On December 7, 1920, pleas of nolo contendere to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate of \$40, together with the costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10121. Misbranding of Leonard ear oil. U. S. \* \* \* v. 12 Dozen Cartons and 30 Cartons \* \* \* of Leonard Ear Oil. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 11283, 11319. I. S. Nos. 2782-r, 2784-r. S. Nos. W-494, W-504.)

On September 23 and 25, 1919, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 12 dozen cartons and 30 cartons of Leonard ear oil, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by A. O. Leonard, New York, N. Y., August 21 and 27, 1919, respectively, and transported from the State of New York into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " \* \* \* A Glandular \* \* \* Oil Recommended For Relief Of Deafness, Head Noises, Discharging, Itching, Scaly Ears and Ear Ache. \* \* \* Deafness, Head Noises and Ear Troubles"; (bottle) "Leonard Ear Oil Recommended for Relief of Deafness, Head Noises, Dry, Itching, Aching and Discharging Ears"; (circular) " \* \* \* For Relief of Catarrhal Deafness and Head Noises And Other Kinds of Deafness and Ear Troubles \* \* \* To relieve deafness you must be very persistent and faithful in the use of the Ear Oil. Leonard Ear Oil is not of the 'Shot Gun' variety. I do not claim that it will accomplish the desired results with one or two applications or that even one bottle will be sufficient. Deafness is one of the most stubborn afflictions to overcome. Leonard Ear Oil is an article of sterling merit, and if persistently used it will seldom fail to give relief. Keep up the use of the Oil if you expect relief"; (circular containing testimonials) "Leonard Ear Oil Proof Of Success A Glandular \* \* \* Oil for Relief of Deafness, Head Noises, and for Relief of Discharging, Itching, Scaly Ears, \* \* \* and Ear Ache \* \* \* has relieved the Deafness and Head Noises of more people than any known remedy. Its success has been phenomenal. \* \* \* By Rubbing It In' and massaging Leonard Ear Oil as directed and inserting it in the nostrils, the ingredients contained in the Oil are carried to the diseased Tubes and Air Passages, the object of which is to soften and loosen the mucus. When this is accomplished, the result is Improved Hearing and Relief from Head Noises. \* \* \* Remember, Deafness Is Progressive, And Unless Something Is Done To Check It Your Affliction Is Bound To Become Worse. In the majority of cases Leonard Ear Oil will give relief. \* \* \* I most sincerely recommend its use for anybody suffering from ear trouble \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of mineral oil, a fatty oil, eucalyptol, camphor, and ammonia.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing upon the said cartons, bottle labels, and circulars, regarding the curative and therapeutic effects of the said article and the ingredients and substances contained therein, were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On November 23, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10122. Adulteration and misbranding of canned kidney beans. U. S. \* \* \* v. 14 Cases \* \* \* of Red Kidney Beans, et al. Decrees ordering release of product under bond.** (F. & D. Nos. 12158, 12159, 12160, 12161, 12162, 12221, 12222, 12237, 12263, 12507, 12165, 12166, 12167. I. S. Nos. 8560-r, 8561-r, 8562-r, 8564-r, 8566-r, 8567-r, 8568-r, 8570-r, 8571-r, 8579-r, 8580-r, 8581-r, 8582-r, 8583-r. S. Nos. C-1723, C-1725, C-1728, C-1730, C-1731, C-1734, C-1737, C-1740, C-1741, C-1812, C-1813, C-1815, C-1816, C-1825.)

On or about February 20, 21, 25, 26, 27, and 28, and March 4, 5, 6, and 16, 1920, respectively, the United States attorney for the Southern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure